REMARKS

Claims 1-7 and 9-12 were pending in the application. Claim 7 is cancelled without prejudice. Claims 1 and 7 are amended as directed by the Examiner in his objections to the claims to correct formal matters. No new matter is added.

The amendment to claims 1 and 12, being formal in nature, does not necessitate additional search of the prior art. Accordingly, Applicant respectfully requests that the amendment be entered and that the Examiner Reconsider the rejections presented in the Final rejection mailed 09 June 2010 in view of the following arguments.

Claim Objections

Claims 1 and 12 are objected to because of informalities involving the lack of parentheses around reference numerals in claim 1 and the recitation of "central warm-air conduit" as a structure creating a coaxial cold-air conduit in claim 12. Claims 1 and 12 are amended as directed by the Examiner. In view of the amendment tot claims 1 and 12, Applicant respectfully requests that the objections to claims 1 and 12 be withdrawn.

Claims Rejections 35 U.S.C. 112, first and second paragraphs

Claim 7 is under 35 U.S.C. 112, first and second paragraphs. Solely for the purpose of advancing the prosecution of the application, Applicant cancels claim 7 without prejudice.

Claims Rejections 35 U.S.C. 102

Claims 1-6 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by **Kaeriyama** (JP 03 009 703 A). The Examiner's rejection has been carefully considered.

The examiner equates the combination of thumbscrew 30 and main control switch 28 in '703 with the presently claimed cold air combination switch 16. This can be shown to be a misinterpretation of the '703 reference, which discloses two switches that are coupled mechanically and not a single switch that can be actuated by direct contact between a finger from a hand on either handle, as recited in the rejected claims.

The cited reference directly contradicts the examiner's assertion that '703 discloses the limitation recited in the rejected claims of a cold air combination switch that is *located between a first handle grip and a second handle grip* (barrel). Page 9, second paragraph, in '703 discloses that the main control switch 28 is located inside the handle 5 of the dryer. The figures clearly show that the switch 28 and thumbscrew 30 are located in the handle (handle grip) of the dryer.

The cited reference also contradicts the examiner's assertion that '703 discloses the limitation recited in the rejected claims of a cold air combination switch that is *configured to be actuated selectively from the first or second handle grip (8, 9), by direct contact between the cold air combination switch and one finger of a hand on either the first handle grip (8) or the second handle grip (9)*. Page 9, last paragraph, in '703 discloses that the thumbscrew 30 can be operated from any part of the frontal semi-perimeter face of handle 5. Contrary to the examiner's assertion, Figure 2 does not show the operation of a control element (thumbscrew) 30 or actuating a switch 30 or 28 from a finger of a hand located on the barrel of the dryer (see below). Moving the thumb from the position shown in FIGURE 2 to contact thumbsrew 30 would require an

anatomically impossible hyperextension of the thumb or, alternatively, releasing the grip on the barrel.

FIGURE 2

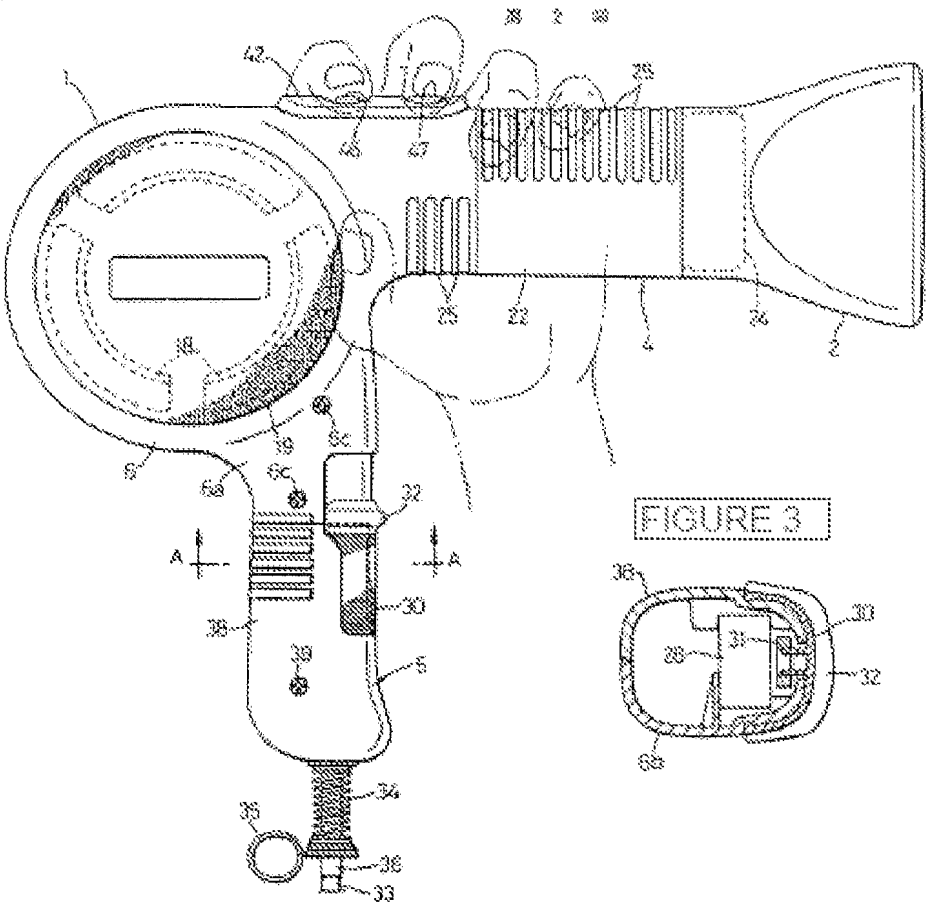

FIGURE 3

Claims 1, 2, 5, 9, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by **Montagnino** (5,555,637). The Examiner's rejection has been carefully considered.

The examiner asserts that the cool shot switch 62 in '637 meets the limitation recited in claim 1 of a switch that located between first and second handle grips and the limitation that the switch is configured to be actuateable by a finger from a hand on either grip. This can be shown to be a misinterpretation of the disclosure of the cited prior art.

The interpretation that the switch 62 is located between handle grips is directly contradicted by the '637 patent in column 6, which discloses that the switch assembly 62 is located within grip portion 16 of the housing 12. Consequently, the cited reference contradicts the examiner's assertion that the switch is located between grips rather than within a grip.

The examiner cites column 1, lines 47-59, in support of his interpretation that the barrel may be considered as having a handle grip. The '637 reference, however, does not disclose, teach, or suggest holding the dryer by the barrel or pushing switch 62 using a finger of a hand holding the barrel. Column 1, lines 47-59, discloses that contact with the flow channel portion of the housing (i.e. the barrel) in uncomfortable and may be a safety hazard. While column 2 discloses a spaced interior flow guide for reducing the temperature of the exterior housing, there is no disclosure of a grip on the barrel, as recited in present claim 1 or even of holding the '637 dryer by the barrel. The purpose of reducing the temperature of the housing in '637 is to reduce the discomfort and potential hazard of contacting the barrel, not gripping the barrel. This is further supported in lines 28-51 of column 7, which specifically states that the user holds the dryer by grip portion 16 and that the reduced temperature of the nozzle makes contact with the user less of a safety hazard. Consequently, the '637 reference does not disclose a dryer having a grip on the barrel and cannot therefore disclose a switch that is between first and second handle grips.

In view of the foregoing arguments, Applicant respectfully requests that the outstanding rejections of claims under 35 U.S.C. 102(b) be withdrawn.

Claims Rejections 35 U.S.C. 103

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Kaeriyama** (JP 03 009 703 A) in view of **Thaler** (US 4,711,988).

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Kaeriyama** (JP 03 009 703 A).

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Kaeriyama** (JP 03 009 703 A) in view of **Berryman** (US 3,612,824).

Claims 3, 4, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Montagnino** (5,555,637) in view of **Kaeriyama** (JP 03 009 703 A).

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Montagnino** (5,555,637) in view of **Berryman** (US 3,612,824).

The Examiner's rejections have been carefully considered.

I. Regarding the rejections of claims 3, 4, 6, 9, 11, and 12 over Kaeriyama alone and in combination with Thaler, Montagnino, or Berryman, Applicant argues that the references, neither individually nor in combination, teach or suggest all of the limitations recited in claim 1 or in claims 3, 4, 6, 9, 11, and 12.

The rejections of claims 3, 4, 6, 9, 11, and 12 over Kaeriyama alone and in combination with Thaler, Montagnino, or Berryman all cite Kaeriyama as teaching the limitations of claim 1. With respect to Kaeriyama, the failure of the reference to disclose, teach, or suggest a dryer having [1] *a cold air combination switch that is located between a first handle grip and a second handle grip* or [2] *a cold air combination switch that is configured to be actuated selectively from the first or second handle grip (8, 9), by direct contact between the cold air combination switch and one finger of a hand on either the first handle grip (8) or the second handle grip (9)* is articulated hereinabove in the arguments against the rejections under 35 U.S.C. 102(b). None of Thaler, Montagnino, and Berryman teach or suggest or are asserted by the rejections to teach or suggest the limitations of claim 1.

II. Regarding the rejections of claims 3, 4, 6, 9, 11, and 12 over Kaeriyama ('703) alone and in combination with Thaler, Montagnino, or Berryman, Applicant further argues that one of ordinary skill in the art would not have been motivated to modify the dryer taught by '703 to produce the dryer recited in present claims 1, 3, 4, 6, 9, 11, or 12.

Pages 3-4 in '703 discloses that earlier blow dryers provide only a single kind of auxiliary switch installed on the blower barrel, making it difficult to sufficiently obtain necessary operational states while holding the barrel. This problem is solved by the '703 dryer, which provides a wide variety of operational states with improved operability when switching the operational states.

Page 5 in '703 discloses operation buttons 46, 47 of respective auxiliary switches 29, 45 are disposed in parallel on the blower barrel to allow easy switching of operational states while gripping the blower barrel. This disclosure indicates that the problem of switching between operational states while holding the barrel is solved by providing switched on the barrel grip.

Pages 20-22 in '703 describe the advantages of the different switches and different types of switches located either on the handle or the barrel portion of the dryer for controlling blow dryer functions.

There is no teaching or suggestion in the '703 reference of any type of switch located between two handle grips. There is no teaching or suggestion of locating a switch between two handle grips and configured to be actuated by a finger on a hand on either of two handle grips. To the contrary, the '703 reference specifically teaches the placement of separate switches on the barrel and the pistol grip to facilitate the easy control of the dryer by a hand holding the dryer by either the pistol grip or the barrel. In other words, '703 teaches a solution to the problem of controlling the operation of a blow drier that is different and distinct from the solution provided by the presently claimed blow dryer. Consequently, one of ordinary skill in the art would not have been

motivated to replace the solution provided by '703 with the solution provided in the rejected claims.

The rejection does not assert that, nor is there any teaching suggesting that any of Thaler, Montagnino, or Berryman would have provided a motivation to one of ordinary skill in the art to modify the '703 dryer to comprise a cold air combination switch located between two handle grips.

III. Regarding the rejection of claims 10 and 11, Applicant argues that Montagnino and Berrymen, neither alone nor in combination, teach or suggest all of the limitations recited in claim 1. Support for the argument that Montagnino fails to disclose, teach or suggest a cold air combination switch that located between first and second handle grips and the limitation of a cold air combination switch that is configured to be actuateable by a finger from a hand on either grip is presented hereinabove in response to the rejection of claims under 35 U.S.C. 102(b). Berryman does not teach or suggest these limitations and the rhe rejection does not assert otherwise.

In view of the foregoing arguments, Applicant respectfully requests that the outstanding rejections of claims under 35 U.S.C. 103(a) be withdrawn.

Conclusion

The application in its amended state is believed to be in condition for allowance. Action to this end is courteously solicited. Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully Submitted,

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